

Amendment under 37 C.F.R. § 1.111
Application No. 09/865, 668

REMARKS

Claims 1-24, all the claims pending in the application, stand rejected. Applicant has amended claims 1-3, 7, 8 and 16. New claims 25 and 26 have been added. Claims 11-14 and 17-24 are cancelled without prejudice or disclaimer.

Drawings

As a preliminary matter, Applicant notes that the Examiner has indicated on the Office Action Summary sheet (PTOL-326) that the drawings filed on May 29, 2001 are objected to by the Examiner. However, there is no objection stated in the text of the Examiner's comments nor is there a draftspersons sheet attached. Accordingly, Applicant has assumed that the wrong box was inadvertently checked. If this is not the case, a specific identification of the objectionable portions are requested.

Claim Objections

The Examiner has objected to claim 7 because of a misspelling. This typographical error has been corrected.

Claim Rejections - 35 U.S.C. § 102

Claims 8-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walker (6,224,486). This rejection is traversed for at least the following reasons.

First, as to claims 11-14 and 17-22, the rejection is moot in view of Applicant's cancellation of these claims without prejudice or disclaimer.

Second, with regard to claims 15 and 16, these claims have been amended to specify that the invention relates to an "audition" system consistent with the disclosure at pages 6-11 of the specification that describes the invention with regard to an audition to qualify for a subsequent activity, and to expressly state that the audition system carries out a preliminary examination involving a predetermined workout exercised by a person before an audition to screen candidates. The system uses a cell phone, having personal identification information assigned

Amendment under 37 C.F.R. § 1.111
Application No. 09/865, 668

thereto, in communication with a program processing device. As subsequently explained, this is not shown in Walker, which has no relation to an audition environment.

Claim Rejections - 35 U.S.C. §103

Claims 1-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Walker et al (6,224,486). This rejection is traversed for at least the following reasons.

First, claim 1 is amended to specify that the claimed method concerns a method for an audition system based upon a communication between a center side and a cell phone having personal identification information assigned thereto. The method is used in an audition system to carry out a preliminary examination before an audition. That preliminary examination is based on a workout exercised by the person having the personal identification information. This system avoids the possibility that imposters can perform the preliminary examination and ensures that confidential communication can be achieved, particularly with respect to the results of the preliminary examination and the qualification for subsequent audition.

The audition is an essential environment and purpose of the present invention. The audition system is based upon a two step process, namely (1) conduct of a preliminary examination before an actual audition, and (2) if successful, the conduct of an actual audition. This environment is expressly recited in the preamble of each of independent claims 1, 15 and 25. The environment is tied to the body of the claims by reference to the "workout exercised by the person" who takes the preliminary examination and is identified by the total personal password. Moreover, this environment is identified as being important throughout the original specification. Such an audition system is realized by a communication system which includes both a center side and a cell phone owned by each candidate (page 9, lines 11 to 20 of the instant specification).

Applicant respectfully submits that there is no disclosure in Walker et al (6224486) with respect to an audition system for carrying out a preliminary examination that simply selects a predetermined number of contestants from a great number of candidates. Thus, none of claims 1-10, 15, 16, 25 or 26 are anticipated.

Amendment under 37 C.F.R. § 1.111
Application No. 09/865, 668

Moreover, none of these claims would be rendered obvious. Nothing in the Walker disclosure of distributed electronic tournaments, whether based on prediction games, strategy games, judgment games, knowledge games or time or luck-based competitions, would teach one skilled in the art the claimed two step process involving a workout that qualifies for a subsequent competition with the results of an evaluation of the workout being communicated in a secure manner via cell phone.

Claims 23 and 24 are rejected under 35 U.S.C. §103 as being unpatentable over Walker et al in view of LaDue (6,285,868). This rejection is traversed for at least the following reasons.

First, the rejection is moot in view of the cancellation of claims 23 and 24 without prejudice or disclaimer. Second, the secondary teachings of LaDue do not remedy the deficiencies of Walker. LaDue is cited for its teaching of encryption, but not for any relevance to an audition system.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 12, 2004


Alan J. Kasper
Registration No. 25,426